



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/716,586

11/19/2003

Gordon K. Dennis

182531-0004

6289

50787

7590

09/15/2010

STRADLEY RONON STEVENS & YOUNG, LLP
30 VALLEY STREAM PARKWAY
GREAT VALLEY CORPORATE CENTER
MALVERN, PA 19355-1481

EXAMINER

GALL, LLOYD A

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

09/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/716,586	Applicant(s) DENNIS, GORDON K.	
	Examiner Lloyd A. Gall	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to the amendment to claim 1, lines 4-5 and claim 2, lines 4-5, claims 1 and 2, and all of claims 1-12 and 14-16 are regarded as positively claiming the access door.

The drawings filed on December 9, 2009 are objected to because they are regarded as introducing new matter into the application. In particular, in Fig. 3, the location of the hasp element 20 is regarded as new matter. In Figs. 4 and 5A, the location of the opening 41 as being at the midpoint of the shroud with the entire padlock enclosed within the shroud is regarded as new matter. In Fig. 6, the outer flange surrounding the opening of the cabinet, the flange on the closing edge of the door 40, the orientation of the opening 41, the orientation of the hasp 20, and the U-shaped support on which the hasp 20 is mounted is regarded as new matter. The different orientation of the hasp element 20 in Figs. 5C and 5D is regarded as new matter. The orientation of the opening 41 and the location and orientation of the hasp 20 in Fig. 7 is regarded as new matter. The revised embodiment of Fig. 8 is regarded as new matter. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and

Art Unit: 3673

where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and Plifka.

White teaches an access door 2, a hasp attached to the container 1 interior by the inner side of the rivet 6, an aperture 8 in the door to receive the hasp, and a lock 13 to receive the hasp when the door is closed. Garner teaches a shroud 10 on a door to cover a locking device 40, welding means (column 2, line 43) to affix the shroud in place, and a hasp element 30. Plifka teaches a channel shaped shroud with openings at its ends, as set forth above, and a notch 26 to engage the padlock shackle. It would have been obvious to provide a shroud on the door 2 of White to receive the hasp and padlock, in view of the teaching of Garner, to protect the padlock and its shackle from tampering/cutting tools. It would have been obvious to provide a channel shaped shroud with openings at its ends for the shroud of White as modified by Garner, and to substitute a notch for the padlock engaging opening 14 of White, in view of the teaching

Art Unit: 3673

of Plifka, to provide expected locking results. With respect to claim 16, the sequence of steps are regarded as being inherent in the combination of the references.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and Plifka as applied to claim 1 above, and further in view of Garvey et al and Hillabush.

Garvey teaches a shroud of approximately one quarter inch thick material as set forth in column 4, line 45. Hillabush teaches stainless steel used for shroud 100 and a hasp 200 (column 4, line 15). It would have been obvious to one of ordinary skill in the art to form the shroud of White as modified by Garner and Plifka of one quarter inch stainless steel, in view of the teachings of Garvey and Hillabush, to provide corrosion resistance.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and Plifka as applied to claim 1 above, and further in view of Masoncup et al.

Masoncup teaches a shackle 16 which may pivot about the leg 15. It would have been obvious to substitute a padlock with a pivoting shackle for the padlock of White, in view of the teaching of Masoncup, since any well known type of padlock would function just as well in locking the hasp of White.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and Plifka as applied to claim 9 above, and further in view of Hillabush and Garvey et al.

Hillabush teaches a shroud 100 and a hasp 200 formed of stainless steel (column 4, line 15). Garvey teaches a shroud of quarter inch thick material, as set forth above. It

Art Unit: 3673

would have been obvious to form the shroud and hasp of White as modified by Garner and Plifka of quarter inch stainless steel, in view of the respective teachings of Hillabush and Garvey, to provide corrosion resistance of the shroud and hasp.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and Plifka as applied to claim 9 above, and further in view of Masoncup et al.

Masoncup teaches a padlock with a pivoting shackle. It would have been obvious to substitute a padlock with a pivoting shackle for the padlock of White, in view of the teaching of Masoncup, since any well known type of padlock would function just as well in engaging the hasp of White.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner, Plifka and Masoncup et al as applied to claim 12 above, and further in view of Hoffman.

Hoffman teaches the entire padlock covered by the shroud as seen in figure 5. It would have been obvious to cover the entire padlock of White with its shroud as modified by Garner and Plifka, in view of the teaching of Hoffman, to protect the entire padlock from the elements and from cutting/tampering tools.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner, Plifka and Garvey et al.

White teaches an access door 2, a hasp attached to the container 1 interior by the inner side of the rivet 6, an aperture 8 in the door to receive the hasp, and a lock 13 to receive the hasp when the door is closed. Garner teaches a shroud 10 on a door to cover a

Art Unit: 3673

locking device 40, welding means (column 2, line 43) to affix the shroud in place, and a hasp element 30. Plifka teaches a channel shaped shroud with openings at its ends, as set forth above, and a notch 26 to engage the padlock shackle. Garvey teaches a plurality of anchors 66 and means 69 to affix the anchors 66. It would have been obvious to provide a shroud on the door 2 of White to receive the hasp and padlock, in view of the teaching of Garner, to protect the padlock and its shackle from tampering/cutting tools. It would have been obvious to provide a channel shaped shroud with openings at its ends for the shroud of White as modified by Garner, and to substitute a notch for the padlock engaging opening 14 of White, in view of the teaching of Plifka, to provide expected locking results. It would have been obvious to provide anchors and nuts for the weld of White as modified by Garner, in view of the teaching of Garvey, to provide expected attaching results.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of White in view of Garner, Plifka and Garvey et al as applied to claim 2 above, and further in view of Oliver.

Oliver teaches screws 32 welded at 35 to a plate 22. It would have been obvious to weld the screws of White as modified by Garvey to the shroud, in view of the teaching of Oliver, to provide expected results.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner, Plifka and Garvey et al as applied to claim 2 above, and further in view of Oliver and Braxter.

Art Unit: 3673

Oliver teaches screws 32 welded at 35 to a plate 22. Braxter teaches that epoxy is a well known substitute for a weld as set forth in column 4, line 49. It would have been obvious to attach the screws of White as modified by Garvey to the shroud with an epoxy, in view of the respective teachings of Oliver and Braxter, to provide expected results.

Applicant's arguments filed September 1, 2010 have been fully considered but they are not persuasive. In response to applicant's remarks on page 8, lines 11-12, and as set forth above, claims 1 and 2, as well as all of claims 1-12 and 14-16 are regarded as positively claiming the access door.

With respect to applicant's remarks concerning the rejection of claims 1-12 and 14-16, on page 9, the second full paragraph, it is noted that the independent claims are rejected using the secondary reference to Garner in modifying the primary reference to White. In particular, it is submitted as obvious to provide a shroud with end openings on the door of White to receive the hasp and padlock, in view of the teaching of Garner, to protect the hasp and padlock of White from tampering/cutting tools, as is well known in the lock art.

In response to the remarks on page 10, the first full paragraph, it is noted that the Hoffman reference is not being modified in the above rejections of claims 1-12 and 14-16. On page 10, line 18, applicant appears to be referring to the hasp 30 of Garner, and the hasp 36 of Garvey et al. On page 10, lines 20-21 of the remarks, with respect to the hasp 30 of Garner as Garner is applied in the above rejections, it is not clear what substantial play is being referred to in the Garner reference, and it is noted that Garner

Art Unit: 3673

is relied upon to modify the primary reference to White. There is a suggestion and a motivation for combining the White and Garner reference, to protect the hasp, padlock body and shackle of White from cutting/tampering tools as is well known in the lock art, in view of the teaching of Garner.

It is respectfully submitted that the Plifka reference, as used to modify the shroud of White as modified by Garner, has not been specifically addressed in the remarks.

The request for assistance/suggestions on page 12 of the remarks is noted. The examiner is currently unaware of any patentable suggestions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/
Primary Examiner, Art Unit 3673

/L. A. G./
Primary Examiner, Art Unit 3673
September 13, 2010